

CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 339

Citations Affected: IC 5-2; IC 6-6-5-9; IC 9.

Synopsis: Various motor vehicle matters Conference committee report for ESB 339. Repeals and relocates provisions concerning the licensing of commercial driver training schools and instructors, and transfers responsibility and funding from the bureau of motor vehicles (bureau) to the Indiana criminal justice institute (ICJI). Transfers rules of the bureau concerning commercial driver training schools and instructors from the bureau to the ICJI, with certain specifications. Removes the requirement that the daily deposit of motor vehicle excise taxes collected by the bureau be deposited in a separate account. Authorizes the bureau to determine the registration schedule for various categories of vehicles. Repeals outdated language concerning registration schedules for certain vehicles. Provides that a person who engages in the business of selling at least 12 off-road vehicles to the general public each year for delivery in Indiana must secure a dealer's license from the secretary of state. Repeals language exempting a seller of off-road vehicles from the requirements of a motor vehicle dealer's license. Provides that under certain circumstances, certain motor vehicles titled outside of Indiana do not need an inspection for an Indiana title to be issued. Makes conforming amendments. Makes technical corrections. **(This conference committee report: (1) removes a provision that a police officer who finds or is notified of a vehicle or parts that are believed to be abandoned shall attach a notice tag stating that the vehicle or parts will be removed after thirty-six hours, if the vehicle is located on or within the right-of-way of certain highways; (2) removes a requirement that a railroad company must erect and maintain a whistle post in advance of public crossings; (3) removes a provision that certain motor carrier employers may provide an advance of wages and then take certain deductions from subsequent wages under certain circumstances; (4) removes a provision that the special fuel tax exemption for certain biodiesel produced by an individual, who uses the fuel for personal noncommercial use, may not be claimed for more than 5,000 gallons of special fuel per year; (5) corrects a grammatical error; (6) revises the enactment date for the transfer of responsibility for the licensing of commercial driver training schools from July 1, 2008 to January 1, 2009; and (7) makes conforming amendments.).**

Effective: Upon passage; July 1, 2008; January 1, 2009.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 339 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.186-2007,
- 3 SECTION 3, AS AMENDED BY P.L.192-2007, SECTION 1, AND
- 4 AS AMENDED BY P.L.216-2007, SECTION 1, IS CORRECTED
- 5 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 6 2008]: Sec. 3. The institute is established to do the following:
- 7 (1) Evaluate state and local programs associated with:
- 8 (A) the prevention, detection, and solution of criminal
- 9 offenses;
- 10 (B) law enforcement; and
- 11 (C) the administration of criminal and juvenile justice.
- 12 (2) Improve and coordinate all aspects of law enforcement,
- 13 juvenile justice, and criminal justice in this state.
- 14 (3) Stimulate criminal and juvenile justice research.
- 15 (4) Develop new methods for the prevention and reduction of
- 16 crime.
- 17 (5) Prepare applications for funds under the Omnibus Act and the
- 18 Juvenile Justice Act.
- 19 (6) Administer victim and witness assistance funds.
- 20 (7) Administer the traffic safety functions assigned to the institute
- 21 under IC 9-27-2.
- 22 (8) Compile and analyze information and disseminate the

information to persons who make criminal justice decisions in this state.

(9) Serve as the criminal justice statistical analysis center for this state.

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex *or violent* offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

(13) Establish, maintain, and operate, subject to specific appropriation by the general assembly, a web site containing a list of properties (as defined in IC 5-2-6-19(b)) that have been used as the site of a methamphetamine laboratory.

~~(13)~~ (14) Develop and manage the gang crime witness protection program established by section 21 of this chapter.

~~(14)~~ (15) Identify grants and other funds that can be used to fund the gang crime witness protection program.

(16) After December 31, 2008, administer the licensing of:

(A) commercial driver training schools; and

(B) instructors at commercial driver training schools.

SECTION 2. IC 5-2-6.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]

Chapter 6.5. Commercial Driver Training Schools

Sec. 1. This chapter applies after December 31, 2008.

Sec. 2. This chapter does not apply to the following:

(1) An individual giving driver training lessons without charge.

(2) Employers maintaining driver training schools without charge, for employees of the employer only.

(3) Schools or classes conducted by colleges, universities, and high schools for regularly enrolled students.

Sec. 3. As used in this chapter, "bureau" refers to the bureau of motor vehicles created by IC 9-14-1-1.

Sec. 4. As used in this chapter, "college" means:

(1) an accredited college;

(2) a technical college;

(3) a university; or

(4) a junior college.

Sec. 5. (a) As used in this chapter, "commercial driver training school" means a business enterprise that:

(1) is conducted by an individual, an association, a partnership, a limited liability company, or a corporation for the education and training of persons, practically or theoretically, or both, to operate or drive motor vehicles or to prepare an applicant for an examination or validation given by the bureau under IC 9-24 for a driver's license; and

(2) charges consideration or tuition for the provision of services.

(b) The term does not include a business enterprise that educates or trains a person or prepares a person for an examination or a validation given by the bureau to operate or drive a motor vehicle as a vocation.

Sec. 6. As used in this chapter, "driver's license" has the meaning set forth in IC 9-13-2-48.

Sec. 7. As used in this chapter, "institute" refers to the Indiana criminal justice institute established by IC 5-2-6-3.

Sec. 8. As used in this chapter, "instructor" means the following:

(1) An individual, whether acting as the operator of a commercial driver training school or on behalf of a commercial driver training school, who for compensation teaches, conducts classes of, gives demonstrations to, or supervises the practice of individuals learning to operate or drive motor vehicles or preparing to take an examination for a driver's license.

(2) An individual who supervises the work of an instructor.

Sec. 9. (a) To establish or operate a commercial driver training school, the commercial driver training school must obtain a commercial driver training school license from the institute in the manner and form prescribed by the institute.

(b) Subject to subsections (c) and (d), the institute shall adopt rules under IC 4-22-2 that state the requirements for obtaining a commercial driver training school license, including the following:

(1) Location of the commercial driver training school.

(2) Equipment required.

(3) Courses of instruction.

(4) Instructors.

(5) Previous records of the commercial driver training school and instructors.

(6) Financial statements.

(7) Schedule of fees and charges.

(8) Character and reputation of the operators and instructors.

(9) Insurance in the amount and with the provisions the institute considers necessary to adequately protect the interests of the public.

(10) Other matters the institute prescribes for the protection of the public.

(c) The rules adopted under subsection (b) must permit a licensed commercial driver training school to provide classroom training during which an instructor is present in a county outside the county where the commercial driver training school is located to the students of:

(1) a school corporation (as defined in IC 36-1-2-17);

(2) a nonpublic secondary school that voluntarily becomes accredited under IC 20-19-2-8;

(3) a nonpublic secondary school recognized under IC 20-19-2-10;

1 (4) a state educational institution; or

2 (5) a nonaccredited nonpublic school.

3 However, the rules must provide that a licensed commercial driver
4 training school may provide classroom training in an entity listed
5 in subdivisions (1) through (3) only if the governing body of the
6 entity approves the delivery of the training to its students.

7 (d) Notwithstanding subsection (b)(3), the rules adopted under
8 subsection (b) must provide that the classroom instruction and the
9 practice driving instruction required for students of a commercial
10 driver training school be the same as the rules adopted by the state
11 board of education under IC 20-19-2-8(4) concerning the standards
12 for driver education programs, including classroom instruction
13 and practice driving.

14 Sec. 10. (a) To be eligible for an instructor's license under
15 subsection (d), an individual must complete at least sixty (60)
16 semester hours at a postsecondary educational institution. The
17 individual must:

18 (1) complete at least nine (9) semester hours in driver
19 education courses; and

20 (2) be at least twenty-one (21) years of age upon completion of
21 the driver education courses required by subdivision (1).

22 (b) The driver education courses required under subsection
23 (a)(1) must include a combination of theoretical and
24 behind-the-wheel instruction that is consistent with nationally
25 accepted standards in traffic safety.

26 (c) The driver education semester hours completed under
27 subsection (a)(1) do not satisfy the requirements of subsection (d)
28 unless the driver education curriculum is approved by the
29 commission for higher education.

30 (d) The institute shall issue an instructor's license to an
31 individual:

32 (1) who:

33 (A) meets the requirements of subsection (a);

34 (B) does not have more than the maximum number of
35 points for violating traffic laws specified by the bureau by
36 rules adopted under IC 4-22-2; and

37 (C) has a good moral character, physical condition,
38 knowledge of the rules of the road, and work history; or

39 (2) who holds a driver and traffic safety education
40 endorsement issued by the department of education
41 established by IC 20-19-3-1 and meets the requirements of
42 subdivision (1)(B) and (1)(C).

43 The institute shall adopt rules under IC 4-22-2 that specify the
44 requirements, including requirements about criminal convictions,
45 necessary to satisfy the conditions of subdivision (1)(C). Only an
46 individual who holds an instructor's license issued by the institute
47 under this subsection may act as an instructor.

48 Sec. 11. (a) A license issued under section 9 or 10 of this chapter
49 expires on the last day of the fiscal year and may be renewed upon
50 application to the institute as prescribed by rule.

51 (b) Each application for an original or a renewal license must be

1 accompanied by a:

- 2 (1) certified check;
- 3 (2) corporate check; or
- 4 (3) United States postal money order.

5 (c) The fee for:

- 6 (1) an original or a renewal commercial driver training school
- 7 license is one hundred dollars (\$100); and
- 8 (2) an original or a renewal instructor's license is ten dollars
- 9 (\$10).

10 (d) A license fee may not be refunded if the license application

11 is rejected or the license is suspended or revoked.

12 (e) A license fee collected under this section shall be deposited

13 in the motor vehicle highway account fund established under

14 IC 8-14-1.

15 Sec. 12. (a) The institute shall adopt rules under IC 4-22-2 that

16 are necessary to administer and enforce this chapter and to protect

17 the public.

18 (b) The institute shall do the following:

19 (1) Inspect the following:

20 (A) Commercial driver training school facilities.

21 (B) Equipment of applicants for licenses and licensees

22 under this chapter.

23 (2) Examine applicants for instructor's licenses.

24 (c) The institute shall administer and enforce this chapter and

25 may request assistance from the state superintendent of public

26 instruction in developing and formulating appropriate rules.

27 Sec. 13. (a) The institute may:

- 28 (1) cancel;
- 29 (2) suspend;
- 30 (3) revoke;
- 31 (4) refuse to issue; or
- 32 (5) refuse to renew;

33 a commercial driver training school license or an instructor's

34 license if the institute finds that a licensee or an applicant has not

35 complied with or has violated this chapter or a rule adopted by the

36 institute under this chapter.

37 (b) A person who holds a license that has been canceled,

38 suspended, or revoked under this section shall return the license to

39 the institute.

40 Sec. 14. The institute, after notice and opportunity for a hearing,

41 may cancel, suspend, revoke, or refuse to renew a license issued

42 under this chapter if it is shown that the person who holds the

43 license:

- 44 (1) no longer meets the requirements necessary to obtain the
- 45 license; or
- 46 (2) has willfully violated this chapter or a rule adopted by the
- 47 institute.

48 Sec. 15. A person who violates this chapter commits a Class C

49 infraction.

50 SECTION 3. IC 6-6-5-9, AS AMENDED BY P.L.184-2007,

51 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 9. (a) The bureau, in the administration and collection of the annual license excise tax imposed by this chapter, may utilize the services and facilities of license branches operated under IC 9-16 in its administration of the motor vehicle registration laws of the state of Indiana. The license branches may be so utilized in accordance with such procedures, in such manner, and to such extent as the bureau shall deem necessary and proper to implement and effectuate the administration and collection of the excise tax imposed by this chapter. However, in the event the bureau shall utilize such license branches in the collection of excise tax, the following apply:

(1) The excise taxes so collected by each license branch, less any refunds made by the license branch, shall be deposited daily by the license branch in a ~~separate account~~ in a depository duly designated by the state board of finance. The county treasurer of the county for which the collections are due may withdraw funds from the account at least two (2) times each week. The county treasurer is responsible for the safekeeping and investment of money withdrawn by the county treasurer under this subsection. Before the eleventh day of the month following the month in which the collections are made, the bureau of motor vehicles shall report the excise taxes collected and refunds made outside the county to the county treasurer of the county to which the collections are due and the refunds apply. The bureau shall forward a copy of this excise tax report to the county auditor of the county.

(2) A license branch shall each week forward a report to the county auditor of the county to whom the collections are due, showing the excise tax collected on each vehicle, each refund on a vehicle, and a copy of each registration certificate for all collections and refunds within the county.

(3) Each license branch shall also report to the bureau all excise taxes collected and refunds made under this chapter in the same manner and at the same time as registration fees are reported.

(4) Premiums for insurance to protect the funds collected by license branches against theft shall be paid by the bureau, except that the bureau may issue blanket coverage for all branches at its discretion. At the discretion of the bureau, the bureau may:

(A) self-insure to cover the activities of the license branches;
or

(B) rather than purchase a bond or crime policy for each branch, purchase a single blanket bond or crime insurance policy endorsed to include faithful performance to cover all branches.

(5) If the services of a license branch are used by the bureau in the collection of the excise tax imposed by this chapter, the license branch shall collect the service charge prescribed under IC 9-29 for each vehicle registered upon which an excise tax is collected by that branch.

(6) If the excise tax imposed by this chapter is collected by the department of state revenue, the money collected shall be deposited in the state general fund to the credit of the appropriate

county and reported to the bureau of motor vehicles on the first working day following the week of collection. Except as provided in subdivision (7), any amount collected by the department which represents interest or a penalty shall be retained by the department and used to pay its costs of enforcing this chapter.

(7) This subdivision applies only to interest or a penalty collected by the department of state revenue from a person who:

(A) fails to properly register a vehicle as required by IC 9-18 and pay the tax due under this chapter; and

(B) during any time after the date by which the vehicle was required to be registered under IC 9-18 displays on the vehicle a license plate issued by another state.

The total amount collected by the department that represents interest or a penalty, minus a reasonable amount determined by the department to represent its administrative expenses, shall be deposited in the state general fund for the credit of the county in which the person resides. The amount shall be reported to the bureau of motor vehicles on the first working day following the week of collection.

The bureau may contract with a bank card or credit card vendor for acceptance of bank or credit cards.

(b) On or before April 1 of each year the bureau shall provide to the auditor of state the amount of motor vehicle excise taxes collected for each county for the preceding year.

(c) On or before May 10 and November 10 of each year the auditor of state shall distribute to each county one-half (1/2) of:

(1) the amount of delinquent taxes; and

(2) any penalty or interest described in subsection (a)(7);

that have been credited to the county under subsection (a). There is appropriated from the state general fund the amount necessary to make the distributions required by this subsection. The county auditor shall apportion and distribute the delinquent tax distributions to the taxing units in the county at the same time and in the same manner as excise taxes are apportioned and distributed under section 10 of this chapter.

(d) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section.

SECTION 4. IC 9-13-2-27.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 27.5. **This section expires January 1, 2009.** "College", for purposes of IC 9-27-4, has the meaning set forth in IC 9-27-4-1.5.

SECTION 5. IC 9-13-2-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 28. **(a) This subsection expires January 1, 2009.** "Commercial driver training school", for purposes of IC 9-24-10-4 and IC 9-27-4, has the meaning set forth in IC 9-27-4-2.

(b) This subsection applies after December 31, 2008. "Commercial driver training school", for purposes of IC 9-24-10-4, has the meaning set forth in IC 5-2-6.5-5.

SECTION 6. IC 9-13-2-42, AS AMENDED BY P.L.41-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 42. (a) "Dealer" means, except as otherwise

provided in this section, a person who sells to the general public, including a person who sells directly by the Internet or other computer network, at least twelve (12) vehicles each year for delivery in Indiana. **The term includes a person who sells off-road vehicles.** A dealer must have an established place of business that meets the minimum standards prescribed by the bureau under rules adopted under IC 4-22-2.

(b) The term does not include the following:

(1) A receiver, trustee, or other person appointed by or acting under the judgment or order of a court.

(2) A public officer while performing official duties.

(3) A person who is a dealer solely because of activities as a transfer dealer.

~~(4) A person who sells off-road vehicles.~~

(c) "Dealer", for purposes of IC 9-31, means a person that sells to the general public for delivery in Indiana at least six (6):

(1) boats; or

(2) trailers:

(A) designed and used exclusively for the transportation of watercraft; and

(B) sold in general association with the sale of watercraft;

per year.

SECTION 7. IC 9-13-2-80 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 80. **This section expires January 1, 2009.** "Instructor" (of commercial driver training school), for purposes of IC 9-27-4, has the meaning set forth in IC 9-27-4-3.

SECTION 8. IC 9-13-2-150.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 150.5. "Registered importer" has the meaning set forth in IC 9-17-2-0.5.**

SECTION 9. IC 9-17-2-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 0.5. As used in this chapter, "registered importer" means a person that is:**

(1) **registered as an importer with the National Highway Traffic Safety Administration;**

(2) **a licensed dealer currently in good standing with the state; and**

(3) **a validated member of the United States Department of Homeland Security's Customs-Trade Partnership Against Terrorism (C-TPAT) administered by the United States Customs and Border Protection.**

SECTION 10. IC 9-17-2-12 AS AMENDED BY SEA 307-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) As used in this section, "dealer" refers to a dealer that has:

(1) been in business for not less than five (5) years; and

(2) sold not less than one hundred fifty (150) motor vehicles during the preceding calendar year.

(b) This section does not apply to the following:

- 1 (1) A new motor vehicle or recreational vehicle sold by a dealer
- 2 licensed by the state.
- 3 (2) A motor vehicle or recreational vehicle transferred or assigned
- 4 on a certificate of title issued by the bureau.
- 5 (3) A motor vehicle that is registered under the International
- 6 Registration Plan.
- 7 **(4) A motor vehicle that is titled in the name of a financial**
- 8 **institution, lending institution, or insurance company in**
- 9 **Canada and imported by a registered importer, if:**
- 10 **(A) the registered importer complies with section 12.5(a)**
- 11 **of this chapter; and**
- 12 **(B) section 12.5(d) of this chapter does not apply to the**
- 13 **motor vehicle.**
- 14 **(5) A motor vehicle that is titled in another state and is in the**
- 15 **lawful possession of a financial institution, a lending**
- 16 **institution, or an insurance company, if:**
- 17 **(A) the financial institution, lending institution, or**
- 18 **insurance company complies with section 12.5(b) of this**
- 19 **chapter; and**
- 20 **(B) section 12.5(d) of this chapter does not apply to the**
- 21 **motor vehicle.**
- 22 (c) An application for a certificate of title for a motor vehicle or
- 23 recreational vehicle may not be accepted by the bureau unless the
- 24 motor vehicle or recreational vehicle has been inspected by one (1) of
- 25 the following:
- 26 (1) An employee of a dealer designated by the secretary of state
- 27 to perform an inspection.
- 28 (2) A military policeman assigned to a military post in Indiana.
- 29 (3) A police officer.
- 30 (4) A designated employee of the bureau.
- 31 (d) A person described in subsection (c) inspecting a motor vehicle,
- 32 semitrailer, or recreational vehicle shall do the following:
- 33 (1) Make a record of inspection upon the application form
- 34 prepared by the bureau.
- 35 (2) Verify the facts set out in the application.
- 36 SECTION 11. IC 9-17-2-12.5 IS ADDED TO THE INDIANA
- 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 38 [EFFECTIVE JULY 1, 2008]: **Sec. 12.5. (a) Except as provided in**
- 39 **subsection (d), the bureau may accept an application for a**
- 40 **certificate of title for a motor vehicle that is titled in the name of a**
- 41 **financial institution, a lending institution, or an insurance company**
- 42 **in Canada and imported by a registered importer without**
- 43 **requiring an inspection under section 12(c) of this chapter if the**
- 44 **registered importer presents the bureau with the following**
- 45 **documentation relating to the motor vehicle:**
- 46 **(1) A copy of the registered importer's validation agreement**
- 47 **issued by the United States Customs and Border Protection**
- 48 **(CBP).**
- 49 **(2) A copy of the entry summary issued by the United States**
- 50 **Customs and Border Protection (CBP Form 7501).**
- 51 **(3) A vehicle history report issued by an independent provider**

of vehicle history information that includes:

- (A) the vehicle's title information;
- (B) the vehicle's odometer readings; and
- (C) the number of owners of the vehicle.

(b) Except as provided in subsection (d), the bureau may accept an application for a certificate of title for a motor vehicle that is titled in another state and is in the lawful possession of a financial institution, a lending institution, or an insurance company if the financial institution, lending institution, or insurance company presents to the bureau a vehicle history report issued by an independent provider of vehicle history information that includes:

- (1) the motor vehicle's title information;
- (2) the motor vehicle's odometer readings; and
- (3) the number of owners of the motor vehicle.

(c) A:

- (1) registered importer; or
- (2) financial institution, a lending institution, or an insurance company;

must maintain a copy of all documentation required by this section for at least ten (10) years.

(d) An inspection of a motor vehicle described in subsection (a) or (b) is required under section 12(c) of this chapter if:

- (1) the registered importer; or
- (2) the financial institution, lending institution, or insurance company;

is unable to provide the bureau with the documentation required by this section.

SECTION 12. IC 9-18-2-8, AS AMENDED BY P.L.79-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) The bureau shall ~~register vehicles under~~ determine the schedule in this section: for registration for the following categories of vehicles:

- (1) Passenger motor vehicles.
- (2) Recreational vehicles.
- (3) Motorcycles.
- (4) Trucks that:
 - (A) are regularly rented to others for not more than twenty-nine (29) days in the regular course of the corporation's business; and
 - (B) have a declared gross weight of not more than eleven thousand (11,000) pounds.

(b) Except as provided in IC 9-18-12-2.5, a person ~~who~~ that owns a vehicle shall receive a license plate, renewal tag, or other indicia upon registration of the vehicle. The bureau may determine the device required to be displayed.

(c) ~~A corporation shall register, before February 1 of each year, the following vehicles that are owned by the corporation:~~

- ~~(1) A passenger motor vehicle that is not regularly rented to others for not more than twenty-nine (29) days in the regular course of the corporation's business.~~
- ~~(2) A recreational vehicle.~~

- 1 (3) A motorcycle;
- 2 (4) A truck that:
 - 3 (A) is not regularly rented to others for not more than
 - 4 twenty-nine (29) days in the regular course of the corporation's
 - 5 business; and
 - 6 (B) has a declared gross weight of not more than eleven
 - 7 thousand (11,000) pounds;
- 8 (d) (c) A corporation that owns a
 - 9 (1) passenger motor vehicle; or
 - 10 (2) truck that has a declared gross weight of not more than eleven
 - 11 thousand (11,000) pounds
- 12 that is regularly rented to others for periods of not more than
- 13 twenty-nine (29) days in the regular course of the corporation's
- 14 business must register the passenger motor vehicle or truck before
- 15 March 1 of each year.
- 16 (e) For registrations for 2005, a person who owns a:
 - 17 (1) passenger motor vehicle;
 - 18 (2) recreational vehicle;
 - 19 (3) motorcycle; or
 - 20 (4) truck that has a declared gross weight of not more than eleven
 - 21 thousand (11,000) pounds;
- 22 that is not subject to the registration requirements under subsection (d)
- 23 shall register the passenger motor vehicle; recreational vehicle;
- 24 motorcycle; or truck in conformance with the schedule set forth in
- 25 subsection (f) or (g):
- 26 (f) After December 31, 2005, a person who owns a vehicle subject
- 27 to registration under this subsection shall register the vehicle in
- 28 accordance with subsection (g). The following schedule applies to
- 29 persons who own vehicles that are required to be registered under
- 30 subsection (e):
 - 31 (1) Persons whose last names begin with the letters A through BE
 - 32 shall register before February 16 of each year.
 - 33 (2) Persons whose last names begin with the letters BF through
 - 34 BZ shall register before March 1 of each year.
 - 35 (3) Persons whose last names begin with the letter C shall register
 - 36 before March 16 of each year.
 - 37 (4) Persons whose last names begin with the letter D shall register
 - 38 before April 1 of each year.
 - 39 (5) Persons whose last names begin with the letters E through F
 - 40 shall register before April 16 of each year.
 - 41 (6) Persons whose last names begin with the letter G shall register
 - 42 before May 1 of each year.
 - 43 (7) Persons whose last names begin with the letters HA through
 - 44 HN shall register before May 16 of each year.
 - 45 (8) Persons whose last names begin with the letters HO through
 - 46 I shall register before June 1 of each year.
 - 47 (9) Persons whose last names begin with the letters J through KM
 - 48 shall register before June 16 of each year.
 - 49 (10) Persons whose last names begin with the letters KN through
 - 50 L shall register before July 1 of each year.
 - 51 (11) Persons whose last names begin with the letters MA through

ME shall register before July 16 of each year:

(12) Persons whose last names begin with the letters MF through
O shall register before August 1 of each year:

(13) Persons whose last names begin with the letters P through Q
shall register before August 16 of each year:

(14) Persons whose last names begin with the letter R shall
register before September 1 of each year:

(15) Persons whose last names begin with the letters SA through
SN shall register before September 16 of each year:

(16) Persons whose last names begin with the letters SO through
T shall register before October 1 of each year:

(17) Persons whose last names begin with the letters U through
WK shall register before October 16 of each year:

(18) Persons whose last names begin with the letters WL through
Z shall register before November 1 of each year:

(g) The bureau shall determine the schedule for registration for the
categories of vehicles set forth in subsection (e) for registrations
required after December 31, 2005:

(h) (d) A person ~~who~~ **that** owns a vehicle in a category required to
be registered under ~~subsection (c), (d), or (e), this section~~ and ~~who~~
desires to register the vehicle for the first time must apply to the bureau
for a registration application form. The bureau shall do the following:

(1) Administer the registration application form.

(2) Issue the license plate.

(3) Collect the proper registration and service fees in accordance
with the procedure established by the bureau.

(i) (e) Except as provided in IC 9-18-12-2.5, the bureau shall issue
a semipermanent plate under section 30 of this chapter, or:

(1) an annual renewal tag; or

(2) other indicia;

to be affixed on the semipermanent plate.

SECTION 13. IC 9-23-2-7, AS AMENDED BY P.L.184-2007,
SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2008]: Sec. 7. (a) Except as provided in subsections (b)
through (g), the secretary of state shall issue an offsite sales license to
a dealer licensed under this chapter who submits an application for the
license not later than ten (10) business days or two (2) calendar weeks
before the offsite sale date. License applications under this section shall
be made public upon the request of any person.

(b) The secretary of state may not issue an offsite sales license to a
dealer who does not have an established place of business within
Indiana.

(c) The secretary of state may not issue an offsite sales license to a
licensed dealer proposing to conduct the sale outside a radius of twenty
(20) miles from its established place of business. This subsection does
not apply to:

(1) new manufactured housing dealers;

(2) recreational vehicle dealers; ~~or~~

(3) a rental company that is a dealer conducting a sale at a site
within twenty (20) miles of any of its company owned affiliates;

or

(4) off-road vehicle dealers.

(d) A vehicle display is not considered an offsite sale if it is conducted by a new vehicle franchised dealer in an open area where no sales personnel and no sales material are present.

(e) The secretary of state may not issue an offsite sales license to a licensed dealer proposing to conduct the offsite sale for more than ten (10) calendar days.

(f) As used in this subsection, "executive" has the meaning set forth in IC 36-1-2-5. The secretary of state may not issue an offsite sales license to a licensed dealer if the dealer does not have authorization that the offsite sale would be in compliance with local zoning ordinances or other local ordinances. Authorization under this subsection may only be obtained from the following:

(1) If the offsite sale would be located within the corporate boundaries of a city or town, the executive of the city or town.

(2) If the offsite sale would be located outside the corporate boundaries of a city or town:

(A) except as provided in clause (B), the executive of the county; or

(B) if the city or town exercises zoning jurisdiction under IC 36-7-4-205(b) over the area where the offsite sale would be located, the executive of the city or town.

(g) The secretary of state may not issue an offsite sales license to a licensed dealer who has held more than three (3) nonconsecutive offsite sales in the year ending on the date of the offsite sale for which the current license application is being submitted.

(h) The requirements of section 2(c) of this chapter do not apply to the application or issuance of an offsite sales license under this section.

SECTION 14. IC 9-27-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 0.5. This chapter expires January 1, 2009.**

SECTION 15. IC 9-29-5-42, AS AMENDED BY P.L.31-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 42. (a) Except as provided in subsection (c), vehicles not subject to IC 9-18-2-8 or IC 9-18-2-8.5 shall be registered at one-half (1/2) of the regular rate, subject to IC 9-18-2-7, if the vehicle is registered after July 31 of any year. This subsection does not apply to the following:

(1) Special machinery.

(2) Semitrailers registered on a five (5) year or permanent basis under IC 9-18-10-2.

(3) An implement of agriculture designed to be operated primarily on a highway.

(b) Except as provided in subsection (c), subsection (a) and IC 9-18-2-7 determine the registration fee for the registration of a vehicle subject to registration under IC 9-18-2-8(c) ~~IC 9-18-2-8(d), and IC 9-18-2-8(e)~~ and acquired by an owner subsequent to the date required for the annual registration of vehicles by an owner set forth in IC 9-18-2-8.

(c) Subject to subsection (d), a vehicle subject to the International Registration Plan that is registered after September 30 shall be

registered at a rate determined by the following formula:

STEP ONE: Determine the number of months before April 1 of the following year beginning with the date of registration. A partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the annual registration fee for the vehicle by the STEP TWO result.

(d) If the department of state revenue adopts rules under IC 9-18-2-7 to implement staggered registration for motor vehicles subject to the International Registration Plan, a motor vehicle subject to the International Registration Plan that is registered after the date designated for registration of the motor vehicle in rules adopted under IC 9-18-2-7 shall be registered at a rate determined by the following formula:

STEP ONE: Determine the number of months before the motor vehicle must be re-registered. A partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the annual registration fee for the vehicle by the STEP TWO result.

(e) A school bus subject to registration under IC 9-18-2-8.5 that is registered after January 31 for the prior calendar year shall be registered at one-half (½) the regular rate.

SECTION 16. IC 9-29-12-1, AS AMENDED BY P.L.156-2006, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. **This section expires January 1, 2009.** Each application for an original or a renewal school license fee under IC 9-27-4-6 must be accompanied by a:

- (1) certified check;
- (2) corporate check; or
- (3) United States postal money order;

in the amount of one hundred dollars (\$100).

SECTION 17. IC 9-29-12-2, AS AMENDED BY P.L.156-2006, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. **This section expires January 1, 2009.** Each application for an original or a renewal instructor's license under IC 9-27-4-6 must be accompanied by a:

- (1) certified check;
- (2) corporate check; or
- (3) United States postal money order;

in the amount of ten dollars (\$10).

SECTION 18. [EFFECTIVE JANUARY 1, 2009] **The rules adopted under IC 4-22-2 by the bureau of motor vehicles before January 1, 2009, concerning commercial driver training schools and instructors of commercial driver training schools are considered, on and after January 1, 2009, rules of the Indiana criminal justice institute.**

SECTION 19. [EFFECTIVE JULY 1, 2008] (a) **For the period beginning January 1, 2009, and ending June 30, 2009, there is**

1 transferred to the Indiana criminal justice institute from money
 2 appropriated to the bureau of motor vehicles an amount that is
 3 necessary to give full effect to the transfer of responsibilities
 4 concerning the licensing of commercial driver training schools and
 5 instructors from the bureau of motor vehicles to the Indiana
 6 criminal justice institute under this act.

7 (b) The source and amount of money transferred under
 8 subsection (a) shall be:

9 (1) determined jointly by the bureau of motor vehicles and the
 10 Indiana criminal justice institute; and

11 (2) memorialized not later than January 1, 2009, in a writing
 12 that is subject to approval by the budget agency.

13 SECTION 20. [EFFECTIVE JULY 1, 2008] (a) Notwithstanding
 14 IC 9-13-2-42, as amended by this act, a person who engages in the
 15 business of selling at least twelve (12) off-road vehicles to the
 16 general public each year for delivery in Indiana whose business
 17 name begins with the letters A through L, inclusive, is not required
 18 to apply for a dealer's license under IC 9-23-2 with the bureau of
 19 motor vehicles until the month in 2009 required by IC 9-23-2-8.

20 (b) This SECTION expires December 31, 2009.

21 SECTION 21. IC 9-23-0.5-1 IS REPEALED [EFFECTIVE JULY
 22 1, 2008].

23 SECTION 22. An emergency is declared for this act.

(Reference is to ESB 339 as reprinted February 27, 2008.)

Conference Committee Report
on
Engrossed Senate Bill 339

Signed by:

Senator Merritt
Chairperson

Representative Austin

Senator Rogers

Representative Saunders

Senate Conferees

House Conferees